



## DEPARTMENT OF GENERAL SERVICES

Isiah Leggett  
County Executive

David E. Dise  
Director

July 22, 2013

To: Valerie Ervin, Councilmember

From: David Dise, DGS Director <sup>2</sup>

Subject: Memorandum of April 11, 2013  
Remediation Efforts at the Silver Spring Transit Center

This memorandum is in response to your questions and concerns outlined in an April 11, 2013 memorandum related to defects identified in the KCE analysis and report on the Silver Spring Transit Center (SSTC), as well as management and oversight of this and other County projects. While this reply comes much later than preferred, many of the answers to your questions were not certain until recently.

*Was August 2012 the first time the County learned that there were no post-tensioning located on the Level 330 slab? Why did it take so long to discover this? Didn't inspectors provide reports that would have revealed this defect?*

- The County first learned that the post-tensioning was not installed in the two pour strips at Level 330 in August of 2012. This deficiency was not noted or identified in the inspectors' reports. KCE, the County's consultant for remediation efforts of other earlier identified defects at the SSTC, was retained to work on the project in July 2012. It was during KCE's review and field investigation the deficiency in the pour strips was discovered.

*Were the subcontractors required to provide engineering and shop drawings to the County for review? If so, who is responsible for this review, and why weren't problems with the design discovered earlier?*

- Subcontractors, Facchina Construction Company, Inc. (Facchina) and its sub-subcontractor VStructural, LLC (VSL) were responsible for developing the shop drawings and providing those drawings to the County, by way of the County's structural engineer-of-record, Parsons Brinckerhoff, Inc. (PB), for review. PB is responsible for the review of all shop drawings. It appears that PB overlooked the absence of post-tensioning (PT) submittals for the pour strips. The onsite inspectors for The Robert B Balter Co. (Balter), the County's materials and inspections consultant, also failed to note the absence of such post-tensioning submittals.

*It is my understanding that County inspectors were on-site as the Silver Spring Transit Center was constructed. Please describe the nature of the work these inspectors were to perform and if they provided reports to the Executive Branch.*

- As noted above, Balter is contracted to perform materials and special inspection services on county projects. This is a practice followed by most municipalities since such inspections require particular knowledge and, often, certification in certain areas of construction. On this project Balter was the “County inspector” tasked to provide special inspections for the SSTC as it is identified as a “Complex Structure” by the Department of Permitting Services (DPS). Balter performs its work as the DPS field representative with regards to all structural installations for the SSTC. It is DPS’ requirement and expectation that Balter identifies incorrect structural concrete/PT work and notifies the general contractor and County accordingly, and in a timely fashion. That process did not take place effectively for the pour strip installation. Balter provides daily and monthly reports to the County. The omission of PT was not contained in any of the Balter reports for the pour strip installations.

*What has been the nature of the ongoing discussions with the contractors on this job? What is the process that will be followed if a dispute emerges during the negotiations with any of these contractors? What is the process for adjudication, if a dispute emerges during the negotiations with the contractors?*

- Ongoing discussions with the general contractor, Foulger Pratt LLC (FPC) have been positive. FPC, its subcontractors and consultants are active and cooperative participants in the Cooperative Remediation Working Group (CRWG) forum created by the County to bring all stakeholders together to develop a technically sound solution to the remediation challenges. CRWG meets weekly and certain smaller work groups meet at other times to assist the County in the cooperative resolution of all the remediation items on the SSTC. Presently, the process of cooperative remediation has succeeded in defusing any immediate disputes. The process is now into week #13 of the CRWG activities. As such, the County is very optimistic of the final outcome with FPC. Dispute resolutions, if any, will be handled under the General Conditions of Construction Contract document that forms the basis for our contract with FPC.

*What can we do to provide easier access for residents, who are attempting to board Metro, while the remediation efforts are occurring?*

- Several months ago the County completed the East-West link of the Metropolitan Branch Trail (MBT) for use by the commuters of the MARC and Metro trains. The connection has been a large success and is used quite extensively by Metro users. In addition, the access to Metro at Colesville Road is now open for use and is enhanced by the opening of the Colesville Road traffic signal and mid-block pedestrian crossing at the Colesville entrance to the SSTC. No active commuter pathways will be impacted by the remediation effort. Commuters will access the Metro as effectively now as during the remediation work phase.

*What steps are being taken to ensure that issues like the ones that occurred at the Silver Spring Transit Center do not happen on other County projects?*

- Executive staff has given the “lessons-learned” issue significant consideration. We understand and appreciate the interest in this by Council and the public. DGS staff is reviewing the steps taken from the beginning of this project through remediation and is documenting observations. Given the sensitive nature of the project at present, at this time, County staff must reserve comment in this regard so as not to inhibit its legal options relative to any potential dispute.

Your memorandum also references the Office of Legislative Oversight (OLO) report, “Managing the Design and Construction of Public Facilities.” DGS staff has cooperated extensively with OLO through its investigation and research. While I believe it is still in draft, I am confident the report will accurately detail the numerous steps undertaken and active management by County staff in overseeing capital projects. DGS staff engages colleagues from other municipalities, as well as professional and industry associations to ensure Montgomery County standards and practices are current and represent best practices in this discipline.

cc: Isiah Leggett, County Executive  
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Roger Berliner, Councilmember, Chair, T&E Committee  
Timothy Firestine, CAO